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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/219,747	12/23/1998	AKANE YOKOTA		4406

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EXAMINER

TRAN, KHANH C

ART UNIT PAPER NUMBER

2631

DATE MAILED: 01/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/219,747

Applicant(s)

AKANE YOKOTA

Examiner

Khanh Tran

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 53 is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7-10,14,16,18,20-23,27,29,31,33-36,40,42,44 and 46-49 is/are rejected.
- 7) ☒ Claim(s) 2,4,6,11-13,15,17,19,24-26,28,30,32,37-39,41,43,45 and 50-52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 3, 5, 7, 14, 16, 18, 20, 27, 29, 31, 33, 40, 42, 44 & 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Diachina U.S. Patent 5,835,860.

Regarding to claims 1, 14, 27 & 40, Diachina discloses (column 5, lines 20-46) that a wireless communications system comprising a plurality of mobile stations performs communications on the basis of group ID information assigned to a plurality of mobile stations, comprising: a mobile subscriber sending a request for participating in a user group, which is formed by a plurality of mobile stations; assigning the user group an identification code; and performing the group communication in the group using the group code information.

Regarding to claims 3, 16, 29 & 42, Diachina further discloses in figure 3 (column 5, lines 10-46, column 7, claim 1) a mobile switching center 140 transmitting from the communications system the request of the group identification information to mobile stations participating in the user groups.

Regarding to claims 5, 18, 31 & 44, Diachina discloses (column 7, claim 1) a method for establishing a user group identification code for a user group, which is different from other groups in the communications system, before mobile stations in the group can selectively request participation.

Regarding to claims 7, 20, 33 & 46, Diachina's wireless communications system performs radio communication.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 9, 10, 21, 22, 23, 34, 35, 36, 47, 48, & 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diachina U.S. Patent 5,835,860 in view of Smith U.S. Patent 4,850,036.

Regarding to claims 8, 21, 34 & 47, Diachina discloses a system as discussed in claims 7 and 1. However, Diachina does not teach a specific method of communications being used for communicating between stations. Smith discloses a radio communication

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system using synchronous frequency hopping transmissions. It would have been obvious for one of ordinary skill in the art to utilize Smith's frequency hopping method for transmissions in Diachina's wireless communications system. The use of frequency hopping in radio communication system is well known to those skilled in the art as taught by Smith.

Regarding to claims 9, 22, 35 & 48, Smith discloses a control unit transmitting to each of plurality of stations a first control message assigning frequency-hopping sequence and identifying to each slave station a frequency-hopping sequence to be used for transmission and reception from the control unit.

Regarding to claims 10, 23, 36 & 49, Smith discloses all slave station transmissions are synchronized to the control unit transmissions.

#### ***Allowable Subject Matter***

Claims 2, 4, 6, 11-13, 15, 17, 19, 24-26, 28, 30, 32, 37-39, 41, 43, 45, 50-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 53 is allowed.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Deman et al. U.S. Patent 4,554,668 discloses a frequency-hopping radio communications system.

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Drozt et al. U.S. Patent 5,551,062 discloses a method for enhancing communication access in radio communications system.

Nadgauda et al. U.S. Patent 5,987,032 discloses a hierarchical resource hopping method for variable resource size communication systems.

Wilkinson U.S. Patent 4,532,636 discloses radio communications receivers for use on frequency-hopping radio communications networks.

Bantz et al. U.S. Patent 5,394,433 discloses a control system for automated management of frequency-hopping in a radio network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 703-305-2384. The examiner can normally be reached on Monday - Friday from 08:00 AM - 04:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

KCT  
January 13, 2002

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